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SIPDIS

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [KDEM](#) [PBTS](#) [IZ](#)
SUBJECT: UPDATE #1: NINEWA GOVERNOR'S FREEDOM OF MOVEMENT

REF: A. BAGHDAD 282
[1](#)B. BAGHDAD 271

Classified By: Political Minister Counselor Gary Grappo for reasons 1.4
(b) and (d).

[1](#)1. (C) SUMMARY: Tempers that flared in the wake of the February 1 confrontation involving Kurdish security forces, Ninewa Governor Nujaifi, and U.S. forces have cooled for the moment. Angered by the detention of 11 males accused of attacking Nujaifi's convoy, Kurdistan Regional Government (KRG) President Barzani ordered his peshmerga Liaison Officers (LNOs) to withdraw from the Ninewa Combined Command Center (N-CCC) and the Ninewa Operations Command (NOC) on February 8. Embassy and USF-I are engaging at senior levels with the various parties to cool the overall political temperature and move parties toward what will be a critical trilateral After-Action Review (AAF) of the February 1 incident. The Ambassador has dispatched the Senior Advisor for Northern Affairs (SANI) to Erbil and Ninewa to delink the connection the KRG is making between the release of the 11 detainees and KRG participation in the Combined Security Mechanism (CSM); warn Nujaifi against further provocation; and ensure the fair and humane handling of the 11 detainees. Barzani's initial anger appears to be dissipating. After more than a week of refusing to speak directly with USF-I's Commanding General, Barzani conveyed to GEN Odierno on February 10 that he valued the U.S.-Kurd relationship, explained the critical need for release of the detainees, and expressed his willingness to meet in the near future. PRT Ninewa has confirmed that the detainees are being treated well and that the initial charge of terrorism had been reduced to a misdemeanor. USF-I confirms that, contrary to initial reports, no/no shots were fired at U.S. forces who were escorting the Governor's convoy. END SUMMARY.

BACKGROUND

[1](#)2. (C) On February 7, KRG Chief of Staff (CoS) Fuad Hussein contacted both Embassy and USF-I officials demanded that the United States apologize for USF-I's display of heavy firepower to escort Governor Nujaifi through Combined Security Areas (CSA) of disputed Tal Kayf district (Reftel A). He also demanded that the USG effect the immediate release of 11 detainees held in Mosul for involvement in the attack on Nujaifi's convoy, stating that the KRG would hold further engagement with USF-I pending their release. Hussein commented that President Barzani was unable to "square" to the Kurdish public his successful trip to see President Obama with the looped television footage of U.S. tanks and F-16s escorting the Governor's convoy into the ethnically mixed (majority Arab, with some Kurd and Yezidi neighborhoods) town of Tal Kayf. (Note: One M1 Abrams tank and two F-16s were called in as a force protection measure upon encountering the armed peshmerga checkpoint and protesting Kurdish crowds. End Note.) Hussein said Barzani was particularly upset by accusations that the peshmerga had shot at U.S. soldiers who

were escorting Nujaifi's convoy. (Note: Subsequent reports confirmed that no shots were fired at or near US forces. End Note.) Hussein vehemently denied that Barzani had threatened to withdraw from the Ninewa Combined Coordination Center (N-CCC) if the two demands were not met within 48 hours. That said, he added that if the USG took no action to free the detainees, Barzani would consider withdrawing from the CSM in Diyala and Kirkuk as well. Senior USF-I officials attempted to contact the Kurds following these initial Qattempts to contact the Kurds following these initial telCons, but KRG President Barzani was "unavailable" to speak with them.

13. (C) Meanwhile, Ninewa Governor Nujaifi, who considers himself the victor of the February 1 incident, appeared to be seeking another confrontation. Mid-day on February 8, without coordinating with Kurdish or U.S. security forces, Nujaifi and an unnamed Iraqi Army Lieutenant Colonel arrived at the Ninewa Combined Check Point #9, en route to visit the Free Trade Zone nearby CCP 9. Peshmerga and USF personnel at the CCP stopped the convoy, identified the PGov, confirmed Nujaifi's itinerary (in particular his intent to return), and ultimately allowed passage. Asked why he had embarked on what could have been another provocative journey, Nujaifi told PRT and USF senior officer February 9 that he believed the free trade zone was not located within the CSA.

14. (C) Later in the day, President Barzani did not wait the 48 hours and recalled the peshmerga's Ninewa Operations Command Liaison (a Brigadier General and two Lieutenant Colonels). The team, housed at FOB Marez, served as a critical, effective communication mechanism between USF and the KRG, as well as the KRG and ISF. Additionally, on the same evening, he ordered all peshmerga staff to leave the N-CCC, a provincial level center consisting of Iraqi Army, Iraqi Police, peshmerga and USF representatives to control and coordinate operations and movements in the CSAs of the CSM; it is located adjacent to FOB Marez and the Ninewa Operations Command.

STATUS OF DETAINEES

15. (C) In an effort to gather facts on the ground and ensure the rule of law, PRT Ninewa interviewed five of the 11 detainees (9 adults and 2 minors) on February 8. The PRToffs saw no outward signs of physical injury and the detainees appeared to be well treated. The detainees were arrested without a warrant during attacks on Nujaifi's convoy, but each detainee received a court appointed lawyer. They provided PRToffs with statements that closely mirrored one another, to wit: (1) peshmerga soldiers closed businesses, stopped vehicles, and ordered villagers to join protests organized by KDP officials; (2) KDP organizers provided tomatoes, eggs and carried protest banners; (3) none of the detainees admitted to tossing objects at Nujaifi's vehicle or discharging weapons; (4) all were arrested by PGov's Ministry of Interior (MOI) uniformed Personal Security Detachment (PSD). Of the five interviewed, two were apprehended at their residences, one at work and two at the protest site. One of the detainees claimed that the protest was organized by Abdulah Goran, a local KDP official. (Note: This statement tracks with previous reporting indicating Ninewa KDP Chief Keshro Goran was instructed by senior KDP officials to organize demonstrations in protest of PGov Nujaifi's visit and invite international media to expose the situation. Goran acknowledged to PRT Ninewa on Feb 9 that he had played a coordination role in obstructing the visit, and that the KRG would never allow Nujaifi freedom of movement in the disputed areas. End Note.)

16. (C) On February 9, the court ruled that there was insufficient evidence to support terrorism but found evidence of a lesser crime. Chief Investigative Judge Ibrahim Ali Ali charged them under Chapter Two, Paragraph 222: "If the intent of the gathering is to commit a felony or misdemeanor ... or to influence the affairs of the public authorities ... with the use of force or menaces." Violation of this statute is

punishable by imprisonment for up to two years or a fine of not more than 200 dinars, or both. Given the reduced charges Wanna detainees now face, Article 53(A) requires that "jurisdiction shall be determined by the place where the whole of the offense, or part of it, or an act supplementary to it, was committed." Judge Ali transferred the cases to Tal Kayf. On February 10, Tal Kayf Judge Mohamed Najim told PRTOffs that on the surface he is inclined to drop the charges since Iraqi law, like law in other countries, does not prohibit gatherings or protests. He added that, "throwing eggs, tomatoes, or mud-balls cannot be likened to discharging a firearm."

TEMPERATURES COOLING

¶17. (C) Embassy and USF-I has engaged key KRG, GOI, and local Ninewa leaders to get all parties to cool the overall political temperature and refrain from actions that might provoke each other. The Ambassador conveyed to KRG President Barzani on February 8 that it was critical that he allow tempers to cool, that he should engage directly with USF-I GEN Odierno on a way forward, and that the USG would take appropriate action to ensure the fair and humane handling of the 11 detainees. At Embassy and USF-I request, DPM Rafe Qthe 11 detainees. At Embassy and USF-I request, DPM Rafe al-Issawi prevailed on Governor Nujaifi to desist from further travel into disputed areas and to ensure the rule of law in the handling of the detainees. (NOTE: Nujaifi traveled to Amman shortly after his second trip, where he is deliberately staying out of sight through this weekend. END NOTE.) The Ambassador's Senior Advisor for Northern Affairs is engaging interlocutors in Erbil, Ninewa, and Baghdad to get the KRG to delink the connection it is making between the release of the 11 detainees and KRG participation in the Combined Security Mechanism (CSM); warn Nujaifi against further provocation; and ensure the fair and humane handling of the 11 detainees. Our PRT and BCT in Ninewa will remain engaged with local political, security, and judicial authorities.

¶18. (C) On February 10, Barzani sent a letter to GEN Odierno -- his first direct communication with USF-I since February 1 -- reaffirming his utmost respect for and friendship with the CG. Underscoring the value he places on the U.S.-Kurdish relationship, he stressed the importance of learning from this incident and stated his willingness to meet in the near future. He also made clear the critical need for the detainees to be released. GEN Odierno has conveyed an oral response expressing appreciation for Barzani's letter and agreeing that the two sides need to work through this difficult situation together.

¶19. (U) USF-I was provided an opportunity to comment on this cable.
HILL